

SUPREME COURT OF WYOMING

Boyer-Gladden v. Hill

224 P.3d 21 (Wyo. 2010) · No. S-09-0102 · Decided February 9, 2010

SUMMARY

The Wyoming Supreme Court reviewed summary judgments arising from the alleged sexual assault of a pretrial detainee by a detention deputy. The court affirmed summary judgment on the Wyoming Governmental Claims Act and state-law tort claims, affirmed judgment for the sheriff on the federal civil-rights claim, and reversed judgment for the deputy on the § 1983 claim because it was sufficiently pleaded as a personal-capacity action. The case addresses governmental immunity, statutory limitations, scope of duties, and municipal liability under § 1983.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Voigt, C.J.; Golden, J.; Hill, J.; Kite, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	February 9, 2010
DOCKET	S-09-0102
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from district court orders granting summary judgment to a detention deputy and the county sheriff on all asserted state-law tort and 42 U.S.C. § 1983 claims.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, using the same materials and standards as the district court. The evidence is viewed in the light most favorable to the nonmoving party, with all favorable reasonable inferences. The movant must establish the absence of a genuine issue of material fact and entitlement to judgment as a matter of law; the opposing party must identify specific, competent, admissible facts showing a genuine issue.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion
PARTIES	Latasha M. Boyer-Gladden v. Deputy Sheriff Bill Hill, Danny Glick, Sheriff of Laramie County, Wyoming, in his official capacity

TOPICS

summary judgment

section 1983

sovereign immunity

statute of limitations

statutory interpretation

PRACTICE AREAS

civil procedure

civil rights

governmental immunity

torts

statutory interpretation

QUESTIONS PRESENTED

1. Whether summary judgment was proper on Boyer-Gladden's Wyoming Governmental Claims Act claims based on the Act's claim-presentment and commencement limitations periods.
2. Whether summary judgment was proper for the deputy on the state-law tort claims pleaded under the Wyoming Governmental Claims Act.
3. Whether the deputy was entitled to summary judgment on the 42 U.S.C. § 1983 claim because the claim was treated as an official-capacity claim requiring proof of a governmental policy or custom.
4. Whether the sheriff was entitled to summary judgment on the state-law tort claims, including claims based on alleged supervisory or nondelegable duties.
5. Whether the sheriff was entitled to summary judgment on the official-capacity § 1983 claim for lack of evidence of a county or sheriff's-office policy or custom causing the alleged violation.

HOLDINGS

1. The claims against the deputy under the Wyoming Governmental Claims Act were time-barred because, under W.R.C.P. 3(b), the action was not commenced until the deputy was served, which occurred more than one year after the claim was presented to the governmental entity.
2. Summary judgment for the deputy was proper because the complaint pleaded the intentional-infliction-of-emotional-distress claim under the Wyoming Governmental Claims Act and the court would not speculate that a separate personal tort claim had also been intended.
3. The complaint sufficiently pleaded a personal-capacity § 1983 claim against the deputy. Proof of a county or sheriff's-office policy or custom was therefore not required to establish the deputy's personal liability, and summary judgment for the deputy on that ground was erroneous.
4. The sheriff was entitled to summary judgment on the state-law tort claims because the deputy's sexual conduct was outside the scope of his duties, and the record contained no evidence that the sheriff negligently hired, trained, supervised, or established rules concerning the deputy.
5. The sheriff was entitled to summary judgment on the official-capacity § 1983 claim because there was no evidence that a county or sheriff's-office policy or custom caused the alleged constitutional violation.

KEY QUOTATIONS

"Such evidence is not required to show a personal-capacity violation of § 1983." (224 P.3d at 28)

"In summary, neither the sheriff nor the county is liable for the tortious conduct of the deputy because that conduct did not occur within the deputy's scope of duties, and neither the sheriff nor the county is liable for

the conduct of the sheriff, even though within the scope of his duties, because his conduct was not tortious.”
(224 P.3d at 30)

FACTUAL BACKGROUND

On November 9, 2004, Boyer-Gladden was a pretrial detainee at the Laramie County Detention Facility when a detention deputy sexually assaulted her while she was mopping floors. The sheriff's office prohibited sexual contact between inmates and detention deputies. After learning of the incident, the sheriff suspended and then terminated the deputy.

PROCEDURAL HISTORY

Boyer-Gladden sued Deputy Bill Hill and Sheriff Danny Glick after a sexual encounter involving Boyer-Gladden while she was a pretrial detainee. The district court granted summary judgment to both defendants on all causes of action. The Wyoming Supreme Court affirmed most of the rulings but reversed summary judgment for Hill on the § 1983 claim pleaded against him in his personal capacity and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the district court for further proceedings consistent with reversal of summary judgment for Deputy Hill on the personal-capacity § 1983 claim. All other summary-judgment rulings were affirmed.

CASES CITED

- Alloway v. RT Capital, Inc., 2008 WY 123, 193 P.3d 713 (Wyo. 2008)
- Luhm v. Board of Trustees of Hot Springs County School District No. 1, 2009 WY 63, 206 P.3d 1290 (Wyo. 2009)
- Milton v. Mitchell, 762 P.2d 372 (Wyo. 1988)
- Krenning v. Heart Mountain Irrigation District, 2009 WY 11, 200 P.3d 774 (Wyo. 2009)
- Watts v. Holmes, 386 P.2d 718 (Wyo. 1963)
- Richardson v. McKnight, 521 U.S. 399 (1997)
- Wyatt v. Cole, 504 U.S. 158 (1992)
- Wilson v. Garcia, 471 U.S. 261 (1985)
- West v. Atkins, 487 U.S. 42 (1988)
- Hafer v. Melo, 502 U.S. 21 (1991)
- Kentucky v. Graham, 473 U.S. 159 (1985)
- Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978)
- Mathewson v. City of Cheyenne, 2003 WY 10, 61 P.3d 1229 (Wyo. 2003)
- Shumway v. Worthey, 2001 WY 130, 37 P.3d 361 (Wyo. 2001)

- Longacre v. State, 448 P.2d 832 (Wyo. 1968)
- Doyle v. Schroeder, 76 Wyo. 178, 301 P.2d 379 (1956)
- State v. Cantrell, 64 Wyo. 132, 186 P.2d 539 (1947)
- Emulsified Asphalt, Inc. of Wyoming v. Transportation Commission of Wyoming, 970 P.2d 858 (Wyo. 1998)
- Hurst v. State, 698 P.2d 1130 (Wyo. 1985)
- Kanzler v. Renner, 937 P.2d 1337 (Wyo. 1997)
- Board of County Commissioners of Bryan County v. Brown, 520 U.S. 397 (1997)
- Skurstenis v. Jones, 81 F. Supp. 2d 1228 (N.D. Ala. 1999), aff'd in part and rev'd in part, 236 F.3d 678 (11th Cir. 2000)
- Bell v. Schell, 2004 WY 153, 101 P.3d 465 (Wyo. 2004)
- Lankford v. City of Laramie, 2004 WY 143, 100 P.3d 1238 (Wyo. 2004)
- Mountain View/Evergreen Improvement & Service District v. Brooks Water & Sewer District, 896 P.2d 1355 (Wyo. 1995)
- McCann v. City of Cody, 2009 WY 86, 210 P.3d 1078 (Wyo. 2009)